Action

Dec 20 - Feb 3

Feb 5
Molokai

(2 days' extens. needed)

Tatsuo Iwata

SP71-123 - WILLIAM PHELPS (PUKALANI, MAUI)

SP71-123 WILLIAM PHELPS

(10.00 ac)

County of Maui
25.00 Ac.

NOTE: All lots owned by Frank Munoz & Donald H. Tokunaga - T/C. unless otherwise noted.

Frank Munoz & Donald H. Tokunaga T/C

182.548 Acs.

(172.548 Acs.)

TRUE NORTH
1" = 100'

PLAT 09

26

IOLANI STREET

HAULANI STREET

PUKALANI STREET

LIHOLANI STREET

HALULANI STREET

ELULANI STREET

NOTE: Total Area of Roadway accounted for in 2-3-41-01 61.87±

por. Ld. Ct. App. 1320
294.748 ±

Kula Hwy

GRANT

PLAT 09

7869

7870

SPJI-153 MILLIAM PHELPS

CORRECTED
JAN 18
FEB 1
SEP 15 1950
OCT 23
FEB 15
AUG 13
JAN
FEB 10
MAR 20
MAR 1 1950
NOV 14 1950
NOV 24 1950
JAN 2 1951
MAR 12 1951
MAR 28 1951
APR 25 1951
MAY 4
AUG 6 '51
SEP 15 '51
NOV 15 '51
FEB 25
NOV 9
FEB 24
JAN 11 '52
AUG 24
DEC 5
AUG 24
MAR 3

Sec. 4 PLAT 01

M. A. Co. Ltd. Tunnel Easement

Maui Land & Pineapple Co., Inc. 386.86 Acs.

Frank Munoz & D. H. Tokunaga - T/C

GR. 1455 GR. 1444 A GR. 1445 GR. 1523

Maui Land & Pineapple Co., Inc. 84.35 Acs.

1468

To Makawao Avenue

1443 33.90 Ac.

10

13

SPUKALANI

1988 Grant 1695 Grant 1672 Grant 1694 Grant 1203 Grant 2625

K 10.88

PLAT 03

Manuel Asue Trust Estate 32.87 Acs.

PLAT 33 1202

PLAT 44

MAKANI ROAD

HALEAKALA HIGHWAY

PLAT 24 PLAT 17 1215 GR. 4006

MOUNTAIN VIEW TRACT PLAT 10

HALEAKALA VIEW TRACT

PLAT 23

LOWER KULA ROAD PROJ. F-037-1 (1)

Edge of Proj. F-037-1 (1)

Upper Kula Road

3078.17 N 4806.83 W Rou Plane

PLAT 32

Janet Botelho 50.37 Acs. Deed - Min. of Int. to W.H. Bailey

24 (John Silva & wf. Rose M.-J/t) A/s 0.846 Ac.

25 (Albert S. Watanabe & wf. Ayako -J/t) A/s 0.936 Ac.

To Kahului

Maui Land & Pineapple Co. Inc. 50.06 Acs.

New Hamakua Ditch

PLACE 29 PLACE 30 PLACE 31 PLACE 28 PLACE 27 PLAT 30 LANI LOTS PLAT 31

1038 Gr 1039 Gr

Sec. 7 Grant 3085

To Kahului

County of Maui 25.00 Ac.

Easement 25 for Water Purposes (for Ag.)

Easement 24 for Water Pipeline Purposes (for Ag.)

110.00 Acs.

26

10LANI ST.

PLAT 49 PLAT 48 PLAT 47 PLAT 41 PLAT 45 PLAT 46

Frank Munoz & Donald H. Tokunaga - T/C

182.548 Acs. (172.548 Acs.)

3085

Frank Munoz, D. H. Tokunaga - T/C

A 129.70 Ac.

Quitclaim Min. of Int. to W.H. Bailey Nov. 10, 1877, Lib 52, Pg 412

PLAT 02

PLAT 08

Por. of KULA, MAKAWAO, MAUI

PARCELS DROPPED 1, 2, 3, 6, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27,

SECOND		DIVISION
ZONE	SEC.	PLAT
2	3	09
CONTAINING		PARCELS
SCALE 1 in. = 500 ft.		

PRINTED JAN 3 1979

SP71-123 WILLIAM PHELPS

7871

Dwg. No. 15
By: NYA & D.C.
Source: Tax Maps Bureau

February 8, 1972

Mr. William Phelps
P. O. Box 242
Pukalani, Hawaii 96788

Dear Mr. Phelps:

Upon your request to withdraw your deferral of subject petition, the Land Use Commission acted to approve the special permit to continue the existing worship practices in the same facilities for the period of time (2 years) that was granted by the Maui County Planning Commission.

The original of the attached letter approving your special permit request (SP71-123) within the Pukalani Terrace Subdivision, Makawao District, Maui, identifiable by Tax Map Key 2-3-49: 30, is on file in the office of the Maui Planning Department, Kahului, Maui.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosure

cc: Howard Nakamura

February 8, 1972

Planning Commission
County of Maui
P. O. Box 1487
Kahului, Hawaii 96732

Attention: Mr. Howard Nakamura, Planning Director

Gentlemen:

At its meeting on February 5, 1972, the Land Use Commission voted to approve a special permit request by William Phelps (SP71-123) to continue the existing worship practices in the same facilities for the period of time (2 years) that was granted by the Maui County Planning Commission within the Pukalani Terrace Subdivision, Makawao District, Maui, identifiable by Tax Map Key 2-3-49: 30.

Should you have any questions regarding this matter, please feel free to contact us.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

cc: William Phelps
Reverend Woodrow Yasuhara
Maui District Office, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Tax Maps Recorder, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

February 5, 1972 - 10 a.m.

APPROVED
MAR 17 1972

Kaunakakai School Cafeteria
Kaunakakai, Molokai

Commissioners Present: Goro Inaba, Chairman
Eddie Tangen, Vice-Chairman
Alexander Napier
Stanley Sakahashi
Tanji Yamamura
Leslie Wung

Commissioners Absent: Sunao Kido
Shelley Mark

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Jean Soma, Stenographer

ADOPTION OF MINUTES

Vice-Chairman Tangen moved that the minutes of the November 20 and December 17, 1971 meetings be adopted as circulated to the Commission. The motion was seconded by Commissioner Wung and carried.

HEARINGS

PETITION BY HALE MAHAOLU AND COUNTY OF MAUI (A71-309) TO RECLASSIFY APPROXIMATELY 19.6 ACRES FROM AGRICULTURAL TO URBAN AT KAUNAKAKAI, MOLOKAI

The Executive Officer read the staff report (see copy on file) and noted that the Kaunakakai sewage treatment plant and oxidation pond site is located in the Conservation District makai of the area under consideration. A letter has been received from Hale Mahaolu correcting the area from that which was originally submitted (15 acres) to 19.6 acres. Subsequent to the writing of the staff report, a letter has been received

the petitioner. He stated that these lands are unsuited for agricultural use as evidenced by Libby's attempt many years ago to grow pineapples and guavas. A portion of the road that runs through this area is often flooded with rain water because of the nature of the terrain.

Replying to Vice-Chairman Tangen, Mr. Nakamura apologized for the Maui County Planning Commission's not submitting a recommendation and explained that the MCPC has not as of this date made a decision on this petition on the bases that two new appointments to the Planning Commission were made by Mayor Cravalho as recently as yesterday and matters such as water needed to be clarified. The MCPC will conduct its next meeting on February 8 at which time action is again scheduled for this petition, and in about 10 days or so this decision will be forwarded to the Land Use Commission.

The Commission agreed with Mr. Hong's suggestion in requesting Mr. Mamiya to obtain a copy of the 1970 Maui County general election tabulation from the Maui County Clerk's office and forward this to the Land Use Commission during the next 15 days. Mr. Mamiya agreed to do so.

At this time Mr. Leong added that the parcel abutting the subject site is presently zoned Agricultural but was in the Urban District during 1964. However, during the course of the five year boundary review in 1969, this property was placed in the Agricultural District upon the recommendation of the consultants.

Before closing the public hearing on this matter, Chairman Inaba notified Mr. Mamiya that the Commission would accept additional data within the next 15-day period and that a decision will be made within 45 to 90 days.

ACTION

SPECIAL PERMIT APPLICATION BY WILLIAM PHELPS (SP71-123) TO ALLOW THE USE OF THE EXISTING RESIDENCE AS A MEETING PLACE FOR WORSHIP SERVICES AT PUKALANI, MAUI

A letter submitted by Mr. William E. Phelps, Pukalani Community Assembly, dated January 28, 1972, was read into the

record by the Executive Officer. In his letter, Mr. Phelps requested that action on subject special permit application be deferred (see letter on file).

Mr. Fujimoto continued that the special permit request as submitted by the applicant to the Maui County Planning Commission was to utilize a 0.53 acre parcel for residence, worship hall, and day care facility. However, the Maui County Planning Commission denied the requests for use of the subject property for a day care center and to expand the existing residence for a worship hall but approved the use of the existing residence as a meeting place for worship services for a period of two years. Therefore, in the event the Land Use Commission decides to take action on this item today, such action must be confined to that which was approved by the Maui County Planning Commission.

Reverend Woodrow Yasuhara, Superintendent, Hawaii District of the Assemblies of God, in reference to Mr. Hong's inquiry stated that the existing worship hall facility has been in existence for the past two years.

At this point Chairman Inaba asked to review the special permit application as received by the Land Use Commission.

By orienting the Commission with the maps of the area, Mr. Fujimoto pointed out the property under question located in the Rural District comprising 22,915 square feet, the Pukalani Urban District, and the location of a school and playground in this area. He then apprised Chairman Inaba that a 50,000 square foot parcel has been designated for church use on the Pukalani Terrace Plan and that the Maui County Planning Commission approved the use of the existing residence as a meeting place for worship services in anticipation that a permanent worship hall will be located on the church parcel.

Staff planner, Mr. Leong, explained that subject property was classified Rural in that pursuant to acquisition of the property in January, 1969, the applicant upon inquiry was informed by the Maui Planning Department that churches and temples were permissible uses within the Agricultural and Rural Districts. Thereafter, in August, 1969, the

Land Use Commission adopted a more stringent regulation which specified that only public institutions and buildings which are necessary for agricultural practices would be considered permissible uses within Agricultural and Rural Districts, thereby eliminating churches and the like in said districts. Nevertheless, worshipping services at the existing residence were being carried on. Consequently, it is questionable as to whether this is a non-conforming use or not.

With regard to Deputy Attorney General Walton Hong's query, Reverend Yasuhara replied that construction of the parsonage was begun in November, 1969 and that prior to August, 1969, the existing facility was not being utilized as a worship hall.

Mr. Hong quoted a portion of the "State Land Use District Regulations", namely, 2.20 Casual or Illegal Use of Land, which states "A casual, intermittent, temporary, or illegal use of lands or buildings shall not be sufficient to establish the existence of a non-conforming use." He then stated that although the applicant happens to be a victim of circumstance, an illegality does exist since the Rules and Regulations prohibiting worship services came into effect prior to the utilization of the residence as a worship hall. Nevertheless, Mr. Hong was of the belief that the request before the Commission today can be treated as a special permit per se for the purpose of permitting worshipping activities in the existing residence as this is the only portion of the request which was approved by the Maui County Planning Commission. The Land Use Commission cannot act or touch upon that which was not approved by the Maui County Planning Commission.

Reverend Yasuhara testified that the applicant is requesting a deferral for a period of time enabling him to further review the matter.

Mr. Howard Nakamura offered a chronological list of events pertinent to the discussion as follows:

1. January, 1969 - acquisition of property by applicant (churches permitted in Agricultural and Rural Districts);

2. August, 1969 - adoption of current Rules and Regulations by Land Use Commission (churches no longer permitted in Agricultural and Rural Districts); and

3. November, 1969 - application for building permit by Mr. Phelps to construct residence was approved by County of Maui and advised Mr. Phelps to submit special permit request.

Mr. Nakamura felt that since Reverend Yasuhara wanted additional information to be considered by the County insofar as the day care center and the extension of the worship hall are concerned, applicant should reapply for these portions with the County of Maui. However, since there is a matter pending before the Land Use Commission at the present time, Mr. Nakamura thought it would be in the best interest of all concerned for the Commission to act on this matter.

Mr. Hong stated that the petitioner at this point has two alternatives: (1) withdraw the request for special permit and reapply for the whole thing, including the day care center and expansion of the present residence as suggested by Vice-Chairman Tangen or (2) have the Land Use Commission proceed with that portion of the request to permit worshipping services in the existing residence, and such would not preclude petitioner from submitting another special permit with the County for the two other proposed facilities.

Following the above, Reverend Yasuhara asked permission to confer with Mr. Phelps, to which the Commission agreed.

The meeting resumed after a ten-minute recess at which time Reverend Yasuhara was again given the floor and stated that Mr. Phelps was formally withdrawing the deferral request.

Commissioner Tangen moved that "the special permit request to continue the existing worship practices in the same facility for the period of time (2 years) that was granted by the County of Maui be approved". The motion was seconded by Commissioner Yamamura and passed as follows:

Ayes: Commissioners Sakahashi, Wung, Yamamura, Napier, Vice-Chairman Tangen, and Chairman Inaba.

Absent: Commissioners Kido and Mark.

Reverend Yasuhara thanked the Commission for its kind consideration of this matter.

PETITION BY SAMUEL Y. AND AKINO AOKI (A71-301) TO RECLASSIFY APPROXIMATELY 6.3 ACRES FROM AGRICULTURAL TO RURAL AT WAILUA HOMESTEADS, KAWAIHAU, KAUAI

The staff memorandum recommending denial of this petition was presented by Mr. Leong (see copy on file).

Since neither the petitioner nor a representative from the Kauai County Planning Department was present to testify regarding this request, Commissioner Wung moved that this petition be denied as per staff recommendation. The motion was seconded by Commissioner Yamamura and carried with the Commissioners voting as follows:

Ayes: Commissioners Yamamura, Napier, Vice-Chairman Tangen, Sakahashi, Wung, and Chairman Inaba.

Absent: Commissioners Kido and Mark.

PETITION BY KAUAI PLANNING COMMISSION (A71-303) TO RECLASSIFY APPROXIMATELY 7.7 ACRES FROM AGRICULTURAL TO URBAN AT WAILUA HOMESTEADS, KAWAIHAU, KAUAI

Presentation of the staff memorandum was made by the Executive Officer, in which staff recommended approval of this petition in order that the service road concept may be implemented by the County of Kauai, etc. (see copy on file).

Commissioner Wung's motion to accept staff recommendation was seconded by Commissioner Sakahashi, and this motion was carried as follows:

Ayes: Commissioners Napier, Vice-Chairman Tangen, Wung, Sakahashi, Yamamura, and Chairman Inaba

Absent: Commissioners Kido and Mark.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP71-123 - WILLIAM PHELPS DATE February 5, 1972

PLACE Kaunakakai School Cafeteria
Kaunakakai, Molokai TIME 10 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
KIDO, SUNAO				✓
SAKAHASHI, STAN	✓			
WUNG, LESLIE	✓			
S YAMAMURA, TANJI	✓			
NAPIER, ALEXANDER	✓			
M TANGEN, EDDIE	✓			
MARK, SHELLEY				✓
INABA, GORO	✓			

Comments: SP Approved

"I move that this special permit be approved to continue the existing worship practices in the same facilities for the period of time that was granted by the Maui County Planning Commission."

D R A F T

STATE OF HAWAII
LAND USE COMMISSION

Kaunakakai School Cafe.
Kaunakakai, Molokai

February 5, 1972
10 a.m.

STAFF REPORT

SP71-123 - WILLIAM PHELPS

The Maui County Planning Commission has transmitted the records and proceedings of a special permit request submitted by William Phelps on behalf of the Pukalani Community Assembly to utilize a 0.53 acre parcel situated within the State's Rural District for residence, worship hall, and day-care facility. The property is situated within the Pukalani Terrace Subdivision, Makawao District, Maui, and is further described as TMK 2-3-49: 30.

Mr. Phelps states that prior to purchasing the parcel in January, 1969, he was informed by the real estate broker and the Planning Department that a church would be a conforming use. He indicates that "I am willing to accept that a mistake has been made, but I ask you to be aware of the money, time, and labor that has been expended thus far under false assumptions". Besides the above, he feels that the request is justified since the closest Assembly of God Church lies in Kahului and since the Pukalani area is increasing in population and centrally located. Mr. Phelps notes that the proposed use would be compatible with other proposed uses in

the immediate area as reflected in the zoning for school, business, park, golf course, residential and church. The residential character will be maintained since the project will not be monumental. On-street parking will not be necessary as there will be parking provisions for 29 cars on the property.

At the public hearing held by the Maui County Planning Commission on November 2, 1971, it was noted that:

1. The petitioner's reference to the "mistake" made by the Planning Department concerning church use in the Rural District was in reality not an error but a fact at the time the inquiry was made in January, 1969. However, in August, 1969, the Land Use Commission amended its Rules and Regulations to exclude churches and temples as permitted uses within the Agricultural and Rural Districts.
2. The petitioner testified that a "verbal poll" of 27 persons in the immediate area showed 85 percent in favor of the project and 15Ø percent undecided.
3. The congregation numbering between 45 and 65 persons meets on Sunday between 10 a.m. and 12 noon and Sunday and Wednesday evenings generally between 6:30 and 8:30 p.m. Singing is accompanied by guitar, piano, and occasionally, tambourine.

4. The day-care facility can accommodate 20 to 30 children; would be available to the general community; and would be operated on a non-profit basis by the church.

County Recommendation

By letter dated December 16, 1971, Mr. Howard Nakamura, Maui Planning Director, informs that the Maui Planning Commission, at its meeting of December 7, 1971 acted as follows with regard to this request:

"1. That the request for use of the subject property for a day care center and to expand the existing residence for a worship hall be denied.

"2. The Maui Planning Commission recommends approval of the use of the existing residence as a meeting place for worship services for a period of two years in anticipation that a permanent worship hall will be located in an area allocated for such use by the Pukalani Terrace Plan."

The property in question is situated at the southwest corner of Iolani and Haulani Streets within the Pukalani Terrace Subdivision. Directly across the street is a proposed school and park site. Presently situated on the property is a single-family residence containing a large basement which

is situated below road level and which is used for worship services. Surrounding lands in the immediate area are sparsely developed with residences.

See next page

On January 24, 1971, the petitioner submitted a letter dated January 11, 1972 to this office signed by Reverend Woodrow Yasuhara, Superintendent of the Hawaii District of the Assemblies of God, and Reverend Gene Pisoni, pastor of the Pukalani Community Assembly, which indicates the following:

1. The property was purchased in January, 1969 with the understanding that the intended church use was permissible. Construction was initiated in November, 1969. Concrete work on the temporary chapel, Sunday school area, and the rear wall of the future worship hall was accomplished.
2. Services have been held regularly since early 1970. Since some of the 45 to 70 persons live within a few miles from the present site, "definite consideration should be given to the two year eviction of this church from its property as recommended by the County of Maui Planning Department".
3. Petitions were introduced showing that the neighbors did not oppose the use. The petitioner indicates that the requirements of both the

3055

January 28, 1972

RECEIVED
FEB 1 1972
State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
P.O.Box 2359
Honolulu, Hawaii 96804

Dear Mr. Fujimoto:

I wish to thank you for taking the time to meet with Rev. Woodrow Yasuhara, Superintendent of the Hawaii Assemblies of God, and myself Monday morning.

In reply to your letter of January 21, 1972, I am requesting deferral of action on our application. Our reasons for requesting deferral are the same as those presented to you in our Monday morning meeting with the addition of the following two points not listed in that letter:

1) At the time of our purchase of property there was no Pukalani area master plan. If there had been one in the making at that time, we feel quite sure that it would have been mentioned when we checked with the Maui Planning Department about building our church on its present site.

2) It would cost us in the neighborhood of over One Hundred Thousand Dollars to re-locate and build again. This would indeed prove to be a grave financial hardship. Also, to try to re-locate a congregation (now numbering between 70 and 80) would be rather difficult.

Respectively submitted,

Pukalani Community Assembly by,
William E. Phelps
William E. Phelps
P.O.Box 242
Pukalani, Hawaii 96788

Developer's Public Offering Statement and the Declaration of Covenants have been met.

4. The site approved by the Maui County Planning Commission for church use is inferior to the subject property because of the small size, higher density, limited growth potential, lack of parking and traffic considerations.

However, it is noted by the staff that many of the above arguments are not pertinent to this special permit as approved by the Maui County Planning Commission.

MORE

Evaluation of this SP finds that under the circumstances, the request substantially meets the spec. permit guidelines of ~~the special permit gui~~ LU Dist Rules & Regs.

It is therefore rec. that the SP be approved subject to the conditions stipulated by the MCPC.

January 26, 1972

Mr. Howard Nakamura
Planning Director
Maui Planning Department
P. O. Box 1487
Kahului, Maui

Dear Howard:

Transmitted for your information and consideration is a letter from Reverend Woodrow Yasuhara and Reverend Gene Pisoni, concerning Mr. Phelp's special permit application to construct a worship hall and day care facility at Pukalani, Maui.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encl.

3044

January 11, 1972

RECEIVED
JAN 24 1972
State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
P.O.Box 2359
Honolulu, Hawaii 96804

Dear Mr. Fujimoto:

RE: Special Use Permit Application No.55 for Pukalani Community Assembly.

FIRST POINT:

In January 1969 Pukalani Community Assembly, thru the trusteeship of Mr. William Phelps, purchased this parcel of land for church use after checking with both the developer and the planning commission. According to both, a church was permitted since this was rural zoned. Also, State Land Use Rules permitted churches without requiring any Special Use Permit action.

SECOND POINT:

In November 1969, we commenced building. The concrete work was done by the Velasquez Forming Company. Our church book reflects a $1,000 payment to this company on this date.

THIRD POINT:

At this time the concrete work for both the temporary chapel and separate Sunday School areas of the two story building along with the rear wall of the future worship hall was accomplished.

FOURTH POINT:

We have been holding regular services on the property since the partial completion of our building in early 1970. Since there are several families attending who live within the Pukalani Terrace, as well as those who live within a few miles, and considering that our Sunday attendance peaks between 45 and 70, definite consideration should be given to the two year eviction of this church from its property as recommended by the County of Maui Planning Department.

FIFTH POINT:

Petitions were introduced: One with the signatures of all neighbors living within 700 feet of the church property indicating that they were not opposed. The second petition, a two hour sample poll, found twenty seven people at home and indicated 85% in favor and 15% undecided.

SIXTH POINT:

We meet the requirements of both the Developer's Public Offering Statement and the Declaration of Covenants.

SEVENTH POINT:

The Pukalani Terrace has been under development for about nine years. During this period, no site has been set aside specifically for church use. This is indicative of the fact that because this area is rural zoned and churches were allowed at that time, that it was not necessary to set specific church zoned sites aside. If this be not true, we have at least three possible alternatives: One, the County of Maui Planning Department was, for about nine years, lax in its functioning by not specifically setting aside church zoned areas or; secondly, it was showing partiality towards individuals and therefore not acting in the best interest of the people of Maui or; thirdly, it was acting out of anti-religious sentiment by denying the expanding population of Pukalani Terrace a place of worship. We don't believe that any of these alternatives need be true, but they do emphasize our point: the zoning then allowed churches and therefore it was not necessary that special church sites be set aside at that time. To evict a church that has purchased property, invested monies, and has been of invaluable service to the people of Maui prior to any changes in land use rules, would reflect an utter disregard for those involved as well as for the spiritual needs of our island, and especially at a time when the youth are searching for a personal experience with God thru the changing power of Jesus Christ.

EITHTH POINT:

The Maui Planning Commission has approved a future 50,000 sq.ft. church zoned parcel of land (Lot 49,TMK 2-3-8:5 and 2-3-9: 4,5) to be available to the public in about two years.

Here are some reasons why its location is inferior to our present location.

a) The developer intends to divide this 50,000 sq.ft. lot into 3 or 4 smaller inadequately sized lots of 12,500 sq.ft. each.

b) With lots of 12,500 sq.ft., there is not enough area for church growth and off-street parking.

In contrast, our present lot has 22,915 sq.ft. and we meet off-street parking requirements.

c) This anticipated 50,000 sq.ft. church zoned area is located in the extreme northwest part of the development. The average lot size is approximately 7,800 sq.ft. giving a lot density between 2 and 3 times that of where our present church is located. Ninety Five percent of the church traffic will

flow thru one street to attend the two, three or four churches crammed into this inadequate area. The traffic congestion at this single point will be quite pronounced. The additional traffic load thru this more densely populated area should not be overlooked either.

In contrast, our presently occupied active church is located in a less dense area (½ acre, rural zoned lots) one short street from the existing future main transportation artery of the Pukalani Terrace and only one street from the Haleakala Highway making us easily accessable to the Pukalani residents, to the entire Upper Kula area, and to the immediate surrounding communities. Iolani Street, the existing future inter-development 'secondary' transportation artery, abutts our property. Our church presently occupies a site superior to the anticipated site! With regards to future traffic patterns, with regards to easy access to the immediate and future developments of Pukalani Terrace population, with regards to access to surrounding communities, ~~and~~ with regards to centralized community activities, and with regards to lot density, the site we now are worshipping at, greatly excells.

NINETH POINT:

Our existing church site is directly across the street from the proposed school site and the park. I would like to briefly mention again the various uses in the immediate area: School (across the street), B-2 (business, up, around the corner, and down the street), park (across the street), Community Center, Golf Course (a few hundreds of feet down the street), R-2 and R-3 (residential), Rural (residential) and church.

Since this is an area designated for focused community activity, we believe that our church has legal right to remain where it is. We have done everything possible to maintain consistent community planning. No other plan could excell in these features. Therefore, we feel the decision to recommend eviction is completely contrary to consistent community planning and sound reasoning: should a proposed school that will be in session over forty hours a week be allowed while the existing church meeting only six hours a week directly across the street from the school be evicted? should proposed businesses be allowed across the street from the park while the existing church be evicted? shall a golf course be allowed to go in down the street and at the same time evict the existing church? shall an existing Community Center be allowed but the existing church be evicted?

TENTH POINT:

Pertaining to the Special Use Permit, our meetings with the departmental personnel show us that we meet, or can easily meet all fire, health, and Social Service requirements.

It would do well to mention that our Special Use Permit request was informally accepted by the Planning Department with the additional requirements of a fence and the moving of the parking lot a few additional feet in from the property line and possibly a few other minor items, all very reasonable. However, to move from this highly favorable status after almost two months to being told only a few hours before the regular Planning Commission meeting of December 7, 1971, that it was totally unacceptable, leaves one completely astounded. Especially since our representitive could find no substantiating reasons for this change of thinking. It is important to our community that we be allowed to supply these necessary services.

ELEVENTH POINT:

Also, it would be well to point out that our adament representative was politely interrupted and that the order of business was quickly changed before he was allowed to present additional facts.

TWELVETH POINT:

While expressing our desire before the Pukalani Community Association in seeking their favor on our Special Use Permit Request, it was brought to our attention that the previously mentioned 50,000 sq.ft. church zoned parcel would be available in the future, about 1974. The developer also indicated that we could have the entire parcel at the developer's cost. Although, this meant a four year set back for our church (1969-1974) and a possible loss of thousands of dollars and many man-hours of labor, our church was willing to pursue this course of thinking. Hence, this lead to the drafting of the only dissenting letter; a recommendation by the Pukalani Community Association that our Special Use Permit Request be denied and that we relocate on this parcel.

Unfortunately the developer has neither priced the property nor consented to let us purchase it as he indicated in the meeting. He, instead, is planning to subdivide and sell it to two, three, or possibly four different church groups. As elaborated on in the eigth point, the lot's location, size, and shape indicate at best that only one church be located on it.

Had time allowed the presentation of the facts to the Pukalani Community Association and had these events been forseen, you might well not have received their dissenting letter.

Also, had the developer followed thru with his indications, we might well have withdrawn our Special Use Permit Request. Unfortunately, no alternatives were left open. Therefore, may we respectfully ask that the recommendation made by the Maui Planning Commission, for the denial of our Special Use Permit and for eventual eviction of our church, not be considered, since their recommendation was not based upon full knowledge of our individual case.

We would like you gentlemen to know that we will continue to make every effort to cooperate with the Land Use Commission, the County of Maui Planning Department, and all who may be concerned. Our previous actions have indicated, without doubt, our great desire to work with all involved in generating greater community rapport.

We would appreciate your personal attention on this matter. It is shameful that such a situation as this could not have been settled at our local level for we believe that all involved are reasonable men working toward a common community goal.

Respectfully submitted,

Woodrow Yasuhara

Rev. Woodrow Yasuhara, Superintendent
Hawaii District of the Assemblies of God

Rev Gene Pisoni

Rev. Gene Pisoni, pastor
Pukalani Community Assembly

cc: Maui Christian Ministers Association

January 21, 1972

Mr. William Phelps
P. O. Box 242
Pukalani, Maui, Hawaii 96788

Dear Mr. Phelps:

The Land Use Commission next meets on February 5, 1972, at 10 a.m., in the Kaunakakai School Cafeteria, Kaunakakai, Molokai.

At that time your application (SP71-123) to construct a worship hall and day care facility at Pukalani, Maui, will be heard. If a deferral is necessary, notify the Land Use Commission any time before the matter is called for consideration by the Commission at the meeting. The Commission will evaluate the reasons and consider the request for a deferral.

Should you have any questions regarding this matter, please feel free to contact us.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
P. O. BOX 2359
HONOLULU, HAWAII 96804

NOTIFICATION OF SPECIAL PERMIT APPLICATION

SP71-123 - William Phelps
(Pukalani, Maui)

Please be advised that a special permit application has been filed with the Land Use Commission to allow the use of an existing residence as a place for worship service on approximately one-half acre of land described as parcel 30 of Tax Map Key 2-3-49. This property is located within the Rural District at Pukalani, Maui. The Maui County Planning Commission approved this request on December 7, 1971.

An action meeting on this application is scheduled for February 5, 1972*.

We would appreciate any written comments for or against this request, or you or your agent may appear at the meeting. Please do not hesitate to call this matter to the attention of other interested parties.

Should you desire additional information, feel free to contact this office.

Very truly yours,

Tatsuo Fujimoto

TATSUO FUJIMOTO
Executive Officer

*See enclosed agenda

December 29, 1971

Mr. William E. Phelps
P. O. Box 242
Pukalani, Maui, Hi. 96788

Dear Mr. Phelps:

Pursuant to your application (SP71-123) for a special permit to use the property located in Pukalani Terrace as a combination residence, worship hall and daycare facility, we would appreciate receiving a letter from you agreeing to a two-day extension for action on your application, from February 3, 1972, the expiration date for action on your request, to February 5, 1972, when a Land Use Commission meeting is scheduled on Molokai.

We will advise you of the exact date, time and place of this meeting when they are determined.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

2997

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
Adrian Hussey, Vice-Chairman
Young Whee Chun
Joseph Franco
G. Alan Freeland
Kazuo Kage
George Murashige
Stanley Goshi, Ex-Officio
Carl Kaiama, Ex-Officio

Elmer F. Cravalho
Mayor

BOARD OF ADJUSTMENT
& APPEALS
Joseph S. Medeiros, Jr., Chairman
Peter Matsuoka, Vice-Chairman
William Hong
George Tamura
Thomas Yagi

Howard Nakamura
Planning Director

COUNTY OF MAUI
PLANNING DEPARTMENT
P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732

December 16, 1971

RECEIVED
DEC 20 1971
State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804

SP71-123

Dear Mr. Fujimoto:

Re: Special Use Permit Application No. 55 for
Mr. William Phelps

The Maui Planning Commission at its meeting of December 7, 1971, considered Application No. 55, Land Use Commission Special Use Permit submitted by Mr. William Phelps to use property located in Pukalani, Maui, TMK 2-3-049:030 for a day care center and worship hall, and acted as follows:

1. That the request for use of the subject property for a day care center and to expand the existing residence for a worship hall be denied.

2. The Maui Planning Commission recommends approval of the use of the existing residence as a meeting place for worship services for a period of two years in anticipation that a permanent worship hall will be located in an area allocated for such use by the Pukalani Terrace Plan.

Enclosed for your information and review are the following:

1. Copy of application.

2. Notice of Public Hearing.

3. Transcript of the Public Hearing.

4. Staff reports.

5. Map showing the proposed project site.

Should you have any questions with regard to this matter, please call upon us at any time.

Yours very truly,

Howard K. Nakamura

HOWARD K. NAKAMURA
Planning Director

cc Mr. Phelps
cc Pukalani Community Assn.

RECEIVED
DEC 13 1971
State of Hawaii
LAND USE COMMISSION

December 8, 1971

Mr. William Phelps
Pukalani Community Assembly
P.O. Box 242
Pukalani, Maui 96788

Dear Mr. Phelps:

The Maui Planning Commission at its meeting of December 7, 1971, unanimously denied your request for a special use permit to construct a worship hall and day care facility on parcel of land identified as Tax Map Key 2-3-049:030, located in Pukalani, Maui, Hawaii.

The Commission, in voting against the approval felt that since the General Plan for the Pukalani Terrace Development provides an area for the location of churches, the action for denial will not deter the applicant from fulfilling his request. The Commission felt that it would be in the best interest of the community to have all churches centrally located as indicated in the general plan for Pukalani Terrace.

If you have any questions, please feel free to contact our office.

Yours very truly,

HOWARD K. NAKAMURA
Planning Director

cc State Land Use Commission

December 7, 1971

STAFF REPORT (REVISED)

TO: Maui Planning Commission

FROM: Planning Staff

SUBJECT: Pukalani Community Assembly

COMMENTS:

Since the public hearing of November 2, 1971 regarding the Special Use Permit request by Pukalani Community Assembly, additional information became available to warrant a revised Staff Report as follows:

1. That the Pukalani Community Association at its meeting of November 11, 1971 voted to recommend disapproval of the application.

2. That the Department of Social Service and Housing (Maui Branch) reviewed the plans for the proposed day care center and has no objections.

RECOMMENDATION:

The Staff recommends approval of the request with the following conditions:

a) That the day care center facility use be denied;

b) That the use of the property as a meeting place for worship services be granted for 2 years from the date of approval of the request;

c) That the permanent worship hall of the Pukalani Community Assembly be located in the area allocated for such use by the Pukalani Terrace Development Plan.

STAFF REPORT

TO: Planning Commission DATE: Oct. 29, 1971

SUBJECT: PUKALANI COMMUNITY ASSEMBLY by William E. Phelps requesting a special permit for use of property located in Pukalani Terrace, Unit IV, as a combination residence, worship hall and daycare facility.

LOCATION: Southwest corner of Iolani St. and Haulani St.

AREA: 22,915 sq. ft.

ZONE: State Rural (1/2 acre per dwelling unit)

COMMENTS:

1. The property contains a single story family residence.

2. The property is located across from the school and county park proposed for the Pukalani Terrace development.

3. The congregation of Pukalani Community Assembly has been meeting in a portion of the residence.

4. The site plan submitted by the applicant shows:

   a. A proposed worship hall of 2,100 sq. ft. to be built abutting the existing residence.

   b. A proposed off-street parking plan containing 29 parking spaces.

   c. Landscaping along property boundaries.

   d. A proposed driveway loading and unloading area from Iolani St.

5. The ordinance requires 1 off-street parking space for each 100 sq. ft. of floor area for a worship hall. The minimum requirement for this application is 21 parking spaces for the worship hall and an additional one parking space for the residence; thus a total of 22 parking spaces is required.

6. The property is a corner lot, and slopes away from Iolani St. The grade of the slope is such that it is not desirable as a parking area unless properly graded. As such, the area should not be used as temporary parking. Presently, on-street parking is available to satisfy the parking demand of the congregation until the proposed worship hall is constructed.

7. The applicant wishes to continue utilizing a portion of the residence as a temporary place of worship and daycare center while proceeding with the ultimate construction of the proposed worship hall.

RECOMMENDATION:

The staff recommends approval of the request of the applicant with the following conditions:

1. Construction of the proposed worship hall shall commence one year after date of approval of said request.

2. That a separate daycare facility or room(s) be constructed. Perhaps this can be accomplished as part of the proposed worship hall.

3. That the off-street parking area be moved an additional 5 ft. toward Iolani St. so that a 10 ft. buffer strip will exist between the parking area and the adjoining residential property. The plan shows a 5 ft. separation.

4. Parking space #5 be eliminated and used as an additional buffer strip between parking area and adjoining residence.

5. That the driveway space between the parking tier (space #6-17 and #18-29) be increased from the proposed 22 ft. to the ordinance minimum requirement of 24 ft.

6. A solid 5' high fence be constructed along the boundaries of adjoining residential property.

7. That all other site improvements, landscaping proposals, etc. following site plan submitted by the applicant.

NOTICE OF PUBLIC HEARING
LUC SPECIAL USE PERMIT

NOTICE IS HEREBY given of a public hearing to be held by the Maui Planning Commission on Tuesday, November 2, 1971, at the Chambers of the County Council, Wailuku, Maui, at 1:30 p.m. or as soon thereafter as those interested may be heard to consider the following request for SPECIAL USE PERMIT under provisions of SECTION 205-6 of the HAWAII REVISED STATUTES:

PUKALANI, MAUI
PUKALANI COMMUNITY ASSEMBLY by William E. Phelps, requesting approval to establish a residence, worship hall and daycare facility. The parcel is located in Unit IV of the Pukalani Terrace Development across from the Maui County Park and is in the State Rural District.
TMK 2-3-049: 030
Lot Area: 22,915 square feet

Sketch showing the general location is on file in the office of the County of Maui Planning Department at Naska, Maui, Hawaii, and is open to the public for inspection during office hours.

All testimony regarding the SPECIAL USE PERMIT should be filed in writing to the Planning Department, County of Maui, P.O. Box 1487, Kahului, Maui, Hawaii 96732, before the date of the hearing or presented in person at the time of the hearing.

MAUI PLANNING DEPARTMENT
By Howard K. Nakamura
County Planning Director

(MN--October 12, 1971)

cc Mr. William E. Phelps
cc Mayor Cravalho
cc Pukalani Community Association

Pukalani Community Association
P.O. Box 116
Pukalani, Maui 96788

October 28, 1971

RECEIVED
OCT 29 1971
DEPT. OF PLANNING
COUNTY OF MAUI

Mr. Howard K. Nakamura
County Planning Director
County of Maui

Dear Mr. Nakamura,

The Executive Board of the Pukalani Community Association respectfully request a delay in action on the Special Use Permit as submitted by Mr. William Phelps. The delay is needed to further discuss the matter with the general membership of the Association.

It is the opinion of the Board that insufficient time was accorded the Association for a full review and a fair representation of the parties involved. A delay of fifteen days from the day of your acknowledgement would be time enough to make the necessary arrangements for a general membership meeting.

If, however, the Planning Department does not concur and denies the Board its request, then the Board recommends disapproval of the Special Use Permit request by principle alone.

The Boards recommendation stems basically on item two of the Declaration of Restrictive Covenants as created by Mrssrs. Frank Munoz and Donald H. Tokunaga. The restrictive covenants were setforth on September 6, 1968 in order to create a proper subdivision for residential purposes in the Pukalani Terrace. We believe the covenants to be binding to the present as well as subsequent owners of parcels in the Pukalani Terrace area.

To justify our recommendation, we refer to item two of the covenants which states, " No structure shall be errected, altered, placed or permitted to remain on any lot other than one detached single family dwelling and garage, a detached servants' quarters or guest dwelling incidental to the planned residential purpose of the lot." It is the opinion of the Board that adoption of a daycare facility is not in conformance with the planned residential purpose of the lot. Also that such a facility in a planned residential area may pave the way for other similiar or closely related facility to seek the same status. There are other areas in Pukalani that will lend to the adoption of such a facility.

I must remind you that the recommendation stated herein is that of the Executive Board. And that a recommendation of the subject from the entire Association will be forwarded should our request for a delay is granted.

Sincerely,
John Taboniar - President

cc: Mr. William E. Phelps

MAUI PLANNING COMMISSION
PUBLIC HEARING
November 2, 1971

LAND USE COMMISSION
SPECIAL USE PERMIT

The public hearing on the following request for Special Use Permit under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII, 1963, was opened by Chairman Yoshikazu Matsui in the Chambers of the Council, County Building, Wailuku, Maui, Hawaii, on Tuesday, November 2, 1971.

A quorum of the Commission was in attendance. (See record of attendance)

APPLICATION No. 55
Pukalani, Maui
Pukalani Community Assembly by William E. Phelps, requesting approval to establish a residence, worship hall and daycare facility. The parcel is located in Unit IV of the Pukalani Terrace Development across from the Maui County Park and is in the State Rural District.

TMK 2-3-049:030
LOT AREA: 22,915 sf

The Director read the notice of public hearing published in the Maui News on October 12, 1971, a copy is attached hereto and made a part hereof.

The letter of application and other pertinent material were circulated, copies of which are attached hereto and made a part hereof.

Mr. Ishikawa explained the request from the staff report.

Mr. Freeland questioned whether the side parking spaces were in addition to the 29 that are being provided.

Mr. Ishikawa: "No, this includes the 29."

Mr. Nakamura: "Can I add one thing. If you will look at the attach for the SUP application, the statement is made that "when I was contemplating the purchase of this parcel, January, 1969, I inquired of both the Real Estate Broker and the Planning Department, whether or not a church would be a conforming use; I received a "Yes" answer. I am willing to accept that a mistake has been made, but I ask you to be aware of the money, time, and labor that has been expended thus far under false assumptions." I would like to clarify this statement. It is true in January 1969 a church was a conforming use on this particular parcel. As of November 1969, the State Land Use Regulations were amended, whereas churches and temples were permitted, the present one doesn't. That is why it is nonconforming now."

Letters of approval were received as follows:

- Mrs. Roy Chris SMith
- Mr. Thomas Miller
- Mrs. Florentino Tolentino
- Bunny Sikoishi
- Mrs. Myrna DePonte
- Mrs. Jeffery Debnam
- Mr. Walter K. Debnam
- Mrs. Richard L. Weimer

Also, a letter from Mr. John Taboniar which was circulated with the agenda was received requesting a delay of 15 days. The letter also points out restrictive covenants.

The Chair opened the hearing to the public.

Mr. William Phelps: "I initiated the request on behalf of the assembly. I reside at P. O. Box 242, Pukalani, Maui. I would like to mention that there is a great need in Pukalani for a day care facility, especially one that will go through the entire day providing care for children who are of pre-school age. Also, as pointed out, the location of this proposed site is across the street from a proposed school and the park. We feel that this is an area that will not infringe on the residential atmosphere. We feel that because of the parking that we have available in the are and the fact that on the Iolani Street side there is an off-loading area where we have cars. Many drive off the road out of traffic flow, off load or unload children. Our accommodation that we have planned will have this. Also, we have endeavored to maintain the residential atmosphere. We have done this by following a request by the Planning Commission that we put a 5' solid fence along the interior of the lot. This, we feel will provide confinement and safety and also privacy to those people who are next to us. We will take and fence the parking area all around so that the children cannot stray towards the street and possibly be injured. Also, we are going to line the fence with a hedge or acoustic shrubs and we will be planting trees that will blend into a residential area. We feel we will not deter the atmosphere, but enhance it greatly. Another thing that I would like to mention that we have contacted and obtained signatures from all of the neighbors who are within 700' within us and they are all in favor of us proceeding with this request. They are not against it. Also, we took a random sample poll of an area starting from proposed site towards two to three streets. Of the people who were home at that time, we contacted 27 of them, of the 27, 23 were in favor of this. Two abstained because they happened to be members of the Pukalani Community Association. One expressed a desire for off street parking. The fourth abstained - did not have time to look over the plan at the moment. This expresses 85%. If this poll was extended throughout the Pukalani Community 85% would be in favor; 15% undecided. I would like to submit these along with two additional letters."

Mr. Chun: "You said there was a great need for day care center in this area. What did you base this on - assumptions of more residences coming up?"

Mr. Phelps: "Originally, it was a verbal poll, talking with the neighbors in general. This was unrecorded and the feeling that was given on the verbal poll that it is definite that there is one day care that meets 8-11 and therefore, the remaining hours of the day the mothers have to find babysitters. Many mothers are commuting and bringing their children down to facilities down here. I would say that we would have immediately between 20-30 students."

Mr. Chun: "Based on this kind of facility, about how many children are you planning to accommodate?"

Mr. Phelps: "We would be limited between area available to us. If I remember correctly, it was about 25 feet per day care child. Right now we do have, and will have, without extending our building, enough area to accommodate 20-30 children adequately."

Mr. Nakamura: "Mr. Phelps, how big is your congregation at the present time?"

Mr. Phelps: "Presently, we have attendance that ranges between 45-65. Actually we are meeting in the residence and basement. We have area down there."

AM Sundays

Mr. Nakamura: "Do you have occasion to meet in the evening?"

Mr. Phelps: "Our days of meetings are Wednesday. We meet at 6:30 to quarter of 8. Generally, most people are gone by 8:15 except for few; and then evenings we meet between the hours of 10-12. Sunday evenings, between 6-8:30 p.m. As mentioned earlier we have been meeting for about 1 1/2 years now and we have this report of our neighborhood. Our desire is for off-street parking right now, because we are parking along the edges."

Mr. Matsui: "Do you do loud singing or use instruments?"

Mr. Phelps: "Guitar and piano - tambourine occasionally. Day care facility will be daily, Monday through Friday, all day between 7:15 a.m. and somewhere along 6 p.m."

Mrs. Montalvo: "My concern is, I live on Palani Street. If we are going to have business like day care center and also golf course, traffic will be passing right in front of Mr. Phelps' street. The concern is, there is no place for our children to cross the street. They get off the top of the hill. There is a four way intersection, but there is hardly any traffic. I am concerned what is going to be done for the safety of the children."

Mr. Matsui: "We are a little off the subject."

Mrs. Montalvo: "Well, this is bringing business into the area."

Mr. Phelps: "...we feel that the additional traffic load in that area will be less then 1%. Probably less than 1/2% involved with those parents who drive by that area before going to work."

Mr. Tanaka: (Maui Realty Co.) "We understand that you eventually plan to move out and the building will be converted for a church and day care center. It won't be a home?"

Mr. Phelps: "...I would like to say that we would like to do this, but if it is possible immediately, I am not sure. I think that it would be advisable that this be done - to be a day care and church facility would be the best in the long range plan."

Mrs. Montalvo: "Maui Realty has told us they are opening church lots in the new subdivision that they are working on now."

Mr. Matsui: "I think you are correct."

Mr. John Taboniar: (Representing the Pukalani Community Association) I want to clarify the whole thing. The primary purpose of that was that we were afraid that should a day care be established, we have no guarantee that it will prevent any more from coming up in the area. Right now we have several residents in the area that are in business. Should this thing be approved more or less they have cause to seek the same type of request This is what the Association is basically against."

Mr. Chun: " I wonder if we could consider this strictly as a business that the church proposes. Is this the intent of the church?"

Mr. Phelps: "This is to provide day care as part of the services of the church. Definitely nonprofit."

Mr. Nakamura: "But this will be available to the community at large."

Mr. Phelps: "That is true, providing we don't overflow. We would like to point out that we are performing a great service to the youth and children in the community."

No one else spoke for or against the granting of the request.

The Chair closed the public hearing.

Respectfully submitted,

JEAN A. UEMAE
Private Secretary

RECORD OF ATTENDANCE

Present:
Y. Matsui
J. Franco
A. Freeland
Y. W. Chun
S. Goshi

Excused:
G. Murashige
A. Hussey
K. Kage
C. Kaiama

Others:
H. Nakamura
T. Ishikawa
C. Hart
Gerald Machida
W. Phelps
Sam Eastman
Erik Jacobsen
T. Ross
R. Johnson
15 people

INSTRUCTIONS:

1. To be filed in triplicate.
2. Use black ink or typewriter with black ribbon.
3. Use additional sheets if necessary.

MAUI PLANNING COMMISSION
P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
Special Permit is hereby requested:

SP71-123

0.53 ac

DO NOT WRITE IN THIS SPACE

Appl. & fee received _____

Notice published _____

Public hearing _____

Recommendation to LUC _____

Action by State LUC _____

County & Appl. notified _____

A. Description of Property: (1) Tax Map Key No. 23 049 030

(2) Lot Area 22,915 sq. ft. (3) Location Pukalani, Unit #4, Lot 448

B. Ownership: (1) Owner's name William E. Phelps

(2) Lessee's name N/A (3) Unexpired term N/A years

C. Request: (1) State request briefly and exactly: On behalf of The Pukalani Community Assembly, I am requesting special permission to use the above mentioned parcel for residence, worship hall, and daycare facility.

(2) Reasons justifying granting of request:

Please Refer To The Attached Items:

a) Statement of Reasons: Sheets 2 and 3 of 6.

b) Master Plan: Sheet 4 of 6

c) Preliminary Subdivision Plan for Pukalani Terrace: Sheet 5 of 6, (Please refer to your most recent one).

d) Index of photographs: Sheet 6 of 6.

D. Applicant: (1) Name William E. Phelps

(2) Address P.O.Box 242-Pukalani,Hi. 96788 (3) Telephone 572-8269

(4) Signature William E. Phelps OFF 2445565

E. Planning Commission action: _____ Date _____ Vote: ____ ____ ayes noes

Reasons: _____

F. State Land Use Commission's action: _____ Date: _____

G. Copies to: State LUC___ Supervisors___ Applicant___ Owner & Lessee_

APPLICATION FOR SPECIAL USE PERMIT
FOR
PUKALANI COMMUNITY ASSEMBLY

2) Reasons for Justifying Granting of Request:

a) When I was contemplating the purchase of this parcel, January, 1969 I inquired of both the Real Estate Broker and the Planning Department, whether or not a church would be a conforming use; I received a "yes" answer. I am willing to accept that a mistake has been made, but I ask you to be aware of the money, time, and labor that has been expended thus far under false assumptions. (See attached photographs)

b) Besides the above situation, there are other points for justifying this request:

There is a definite need for establishing an Assembly of God Church in the Pukalani area:

1) The closest Assembly of God Church is in Kahului across from Maui Land & Pineapple Co.

2) The Pukalani area is and will be increasing in population, and it is centrally located for most people living in the up-country region. We have been meeting in homes for several years and we have regular attendance from families living in Makawao, Paia, Kula and Pukalani.

c) With regard to the compatibility of a church in this location, we would like to call your attention to the proposed land uses for the Pukalani Terrace Subdivision presented in the Maui News on April 16, 1969.

1) The parcel (T.M.K. 23-44-30: Unit #4, Lot #448) is located at the corner of Iolani and Haulani Streets and it is larger than one-half acre (22,915 sq.ft.)

2) In this immediate area of the proposed subdivision, there are various uses: School (to be directly across the street), B-2 (business), Park, Golf Course, R-2 & R-3 (residential), Rural (residential) and Church. The most significant aspect of this church zone is that it is located adjacent to residential land (R-2) 7,500 sq.ft. lots.

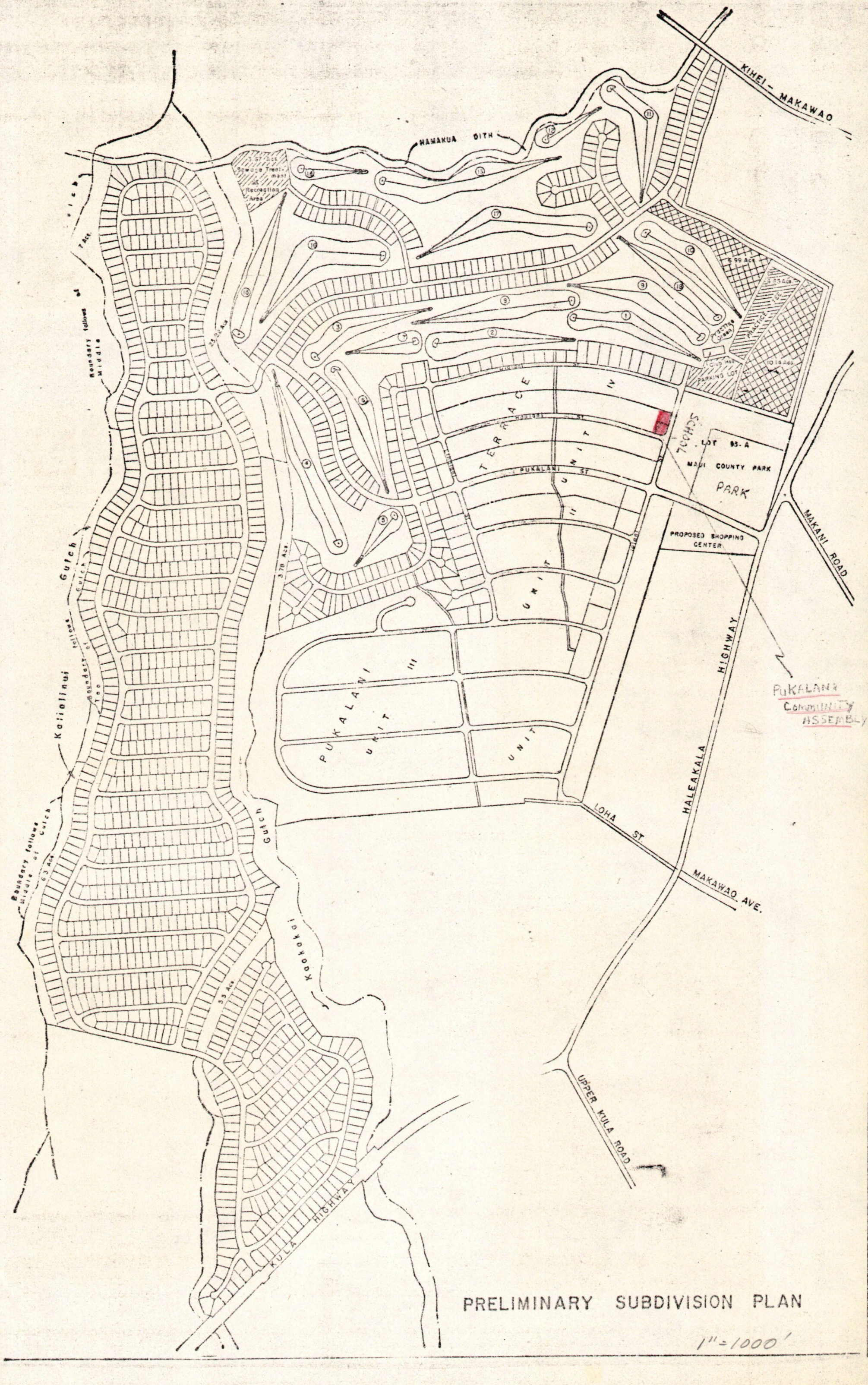
APPLICATION FOR SPECIAL USE PERMIT
FOR
PUKALANI COMMUNITY ASSEMBLY

3) The project we are planning will maintain the residential atmosphere of the area. The Worship Hall will be similiar to the existing residence and it will not be monumental. (See enclosed drawings and photographs of existing residence).

4) There will be no on street parking necessary because the Worship Hall will only be approximately 2,100 sq.ft. and we have parking spaces for 29 cars on the property. Also, there will be landscaping and screening of the parking from public view. (See Master Plan).

d) Church services are held on Sunday and Wednesday evenings, and there will be little or no traffic on other days.

e) We thank you for the opportunity of making this request, and we pray that you will recognize this need. Please feel free to visit our property on an appointed day and see the work that has been completed, as well as that yet to be done.



PRELIMINARY SUBDIVISION PLAN

1" = 1000'



View: Directly across Street from proposed Elementary/Intermediate School Sites.



View: Directly across street from proposed Elementary/Intermediate School Sites.



View: Rear Section of Dwelling.



View: Directly across proposed Parking lot from Iolani Street.



View: From end of Pukalani Community Center directly over corner of Iolani & Haulani.



View: Just above corner of Iolani & Haulani.

HAU LANI STREET

SLOPE DOWN

6 7 8 9 10 11 12 13 14 15 16 17

8'-0"

20'-0"

24'

22'-0"

18 19 20 21 22 23 24 25 26 27 28 29

20'-0"

BANK

15'-0"

PROPOSED WORSHIP HALL (2,100 FT²)

EXIST. RESIDENCE 2-STORY (3000+ FT²)

1 2 3 4 5

20'-0"

33'-0"

20'-0"

12'-0"

25'-0"

IOLANI STREET

NORTH

SCALE 1" = 20'-0"

PROJECT MASTER PLAN

PUKALANI COMMUNITY ASSEMBLY

T. M. K. # 23-49-30 : UNIT #4, Lot # 448

CORRECTED
JAN 18
FEB
SEP 15 1939
OCT
FEB 18
AUG 11
MAR 10
MAR 20
MAY 1 1950
NOV 14 1950
NOV 24 1950
JAN 2 1951
MAR 12 1951
MAR 28 1951
APR 25 1951
MAY 4
AUG 6 '51
OCT 15 '51
NOV 14 '51
NOV 25
DEC 18 '51
FEB 24 '52
MAR 11 '52
MAR 24 '52
APR 15 '52
MAY 2 '52
MAY 20 '52
JUN 24 '52
JUL 24 '52
AUG 25 '52
SEP 24 '52
OCT 24 '52
NOV 25 '52
DEC 24 '52
JAN 25 '53
FEB 24 '53
MAR 24 '53
APR 24 '53
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LEGEND

- RESIDENTIAL
- DUPLEX
- APARTMENT
- HOTEL
- BUSINESS
- PK PARK
- OS OPEN SPACE
- GC GOLF COURSE
- PUBLIC USE
- PROPOSED STREET
- EXISTING STREET
- PUD PLANNED UNIT DEVELOPMENT

TAX MAP KEYS
2-3-08: 5
2-3-09: 4 & 5
2-3-10: 52
2-3-48: 50 to 64
2-3-49: 44 to 56

AREA

685.6 acres more or less

DEPARTMENT OF PLANNING
P.O. Box 1487, Kahului, Maui, Hawaii 96732 GP-1001

GENERAL PLAN MAP Nº 1001

CHANGE IN ZONING – PUKALANI

COUNTY AGRICULTURE to AS SHOWN ABOVE

APPROVED:
Council Clerk

APPROVED:
12/31/70 Howard K. Takamiya
Planning Director

PUBLIC HEARING:
ADOPTED: COUNCIL
ADOPTED: MAYOR
ORDINANCE: Nº

DATE: 12-31-70 SCALE: 1" = 400'

1200 lots



PRELIMINARY SUBDIVISION PLAN

OF

PROPOSED GOLF COURSE AND

LANDCO HOLDINGS

AT KEAHUA, MAKEAHU, KULA, MAUI, HAWAII

OWNER: LAND CO

c/o Frank Munoz &
Donald Tokunaga

NOTE:

Minimum 10,000 Sq. Ft. Lots.

Proposed roads 40 & 60 feet wide

Tax Map Key: 2-3-07-6 & 2-3-09

261 Dairy Road
Kahului, Maui, Hawaii

LAND & CONSTRUCTION CO., INC.

Jan. 28, 1969

7874